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10 *Counsel for Defendant*  
11 World Wrestling Entertainment, Inc.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 MLW MEDIA LLC,

16 Plaintiff,

17 v.

18 WORLD WRESTLING ENTERTAINMENT,  
19 INC.,

20 Defendant.

Case No. 5:22-cv-00179-EJD

**DEFENDANT WORLD WRESTLING  
ENTERTAINMENT, INC.'S NOTICE  
OF MOTION AND MOTION FOR  
ADMINISTRATIVE RELIEF**

21 **NOTICE OF MOTION FOR ADMINISTRATION RELIEF**

22 **PLEASE TAKE NOTICE** that Defendant World Wrestling Entertainment, Inc. (“WWE”)  
23 hereby moves the Court for an order granting its Motion for Administrative Relief pursuant to L.  
24 R. 7-11. Specifically, WWE respectfully asks the Court enter an order scheduling a status  
25 conference to resolve outstanding disputes and uncertainty regarding its Case Management Order  
26 (ECF No. 49).  
27  
28

**MOTION**

This is an antitrust action brought by Plaintiff MLW Media LLC (“MLW”) subject to a fully briefed Motion to Dismiss (ECF No. 19, filed Mar. 15, 2022). While the motion is pending, MLW seeks to impose \$3 million in premature discovery costs on WWE. Although WWE does not believe that this Court affirmatively opened discovery, WWE filed a Motion for Protective Order (ECF No. 51, filed Jan. 5, 2023) asking this Court to shield WWE from the tremendous expense attributable to collecting, reviewing, storing, and producing documents pending a ruling on the Motion to Dismiss. The hearing date for Motion for Protective Order is May 11, 2023. Seeking to subvert that motion before this Court can rule on it, MLW engaged in judicial forum shopping and filed a Motion to Compel before Mag. Judge van Keulen (ECF No. 52, filed Jan. 17, 2023). The purpose of the Motion to Compel is simple: MLW seeks to force WWE to collect, review, store, and produce the same documents that are the subject of the earlier filed protective order.

WWE believes that some of the issues underpinning this motion practice could be resolved through a status conference addressing certain outstanding administrative disputes and uncertainties arising from the Case Management Order. It therefore respectfully requests pursuant to L. R. 7-11 that the Court schedule a status conference for the following three reasons:

***First***, the Joint Case Management Statement (ECF No. 47) identified a dispute between the Parties as to when discovery opens. Defendant proposed that discovery should open two weeks after this Court rules on the fully briefed Motion to Dismiss. Plaintiff proposed that discovery is already open. The Case Management Order did not address this dispute. As such, the Parties continue to disagree on whether discovery is open despite the pending Motion to Dismiss.

This disagreement now risks wasting judicial resources and prejudicing WWE. Because MLW insists that discovery is open, WWE filed a Motion for Protective Order. However, this Court cannot hear that motion until May 11, 2023. Plaintiff, seeking to take advantage of the Court’s busy schedule, moved Mag. Judge van Keulen to compel WWE to collect, review, store, and produce those same documents before this Court has an opportunity to rule on the pending Motion for Protective Order. A difference of opinion between Mag. Judge van Keulen and Your Honor thus

1 may result in WWE incurring considerable expense before this Court rules on WWE's pending  
2 motions.

3 A status conference would allow the Court to consider the Parties' positions and rule on  
4 whether the Case Management Order was intended to open discovery pending a ruling on the  
5 Motion to Dismiss. If it did not open discovery, the Parties' motion practice is unnecessary. If,  
6 however, the Case Management Order was intended to open discovery, Defendant's earlier Motion  
7 for Protective Order is ripe, and Plaintiff's later Motion to Compel is improper forum shopping and  
8 should be denied.

9 ***Second***, a status conference is needed for the Parties to propose changes to the Case  
10 Management Order pending the Court's ruling on the Motion to Dismiss (ECF No. 19, filed Mar.  
11 15, 2022). Because the resolution of the motion may delay the production of documents, Defendant  
12 believes that the deadlines for discovery may need to be extended. According to MLW's portion of  
13 the Parties' Joint Statement to Mag. Judge van Keulen in support of its Motion to Compel, MLW  
14 will be prejudiced if it cannot immediately force WWE to spend millions of dollars on document  
15 discovery. Specifically, MLW argues that the Case Management Order provides insufficient time  
16 for fact discovery. A status conference would provide the Court an opportunity to quickly discuss  
17 scheduling with the Parties and revise the deadlines, thus eliminating any potential, perceived harm  
18 to the Parties from the pendency of Defendant's motions.

19 ***Third***, a status conference and resolution of these issues would benefit third parties  
20 potentially subject to discovery. MLW has thus far served three third-party subpoenas and has  
21 demanded responses by February 13, 2023. These concern a different competitor's attempt to book  
22 one arena in New York City, Madison Square Garden, in 2019, which that competitor ultimately  
23 succeeded in booking. As MLW would have no possible cause of action arising from this discovery,  
24 and as MLW has not alleged tortious interference or monopolization in any market for booking  
25 arenas, WWE presumes that MLW will soon seek further third-party discovery. Clarity on the  
26 discovery schedule and whether discovery is open would allow these third parties and other future  
27 recipients of third-party subpoenas to determine when and how to respond to discovery requests.

**CONCLUSION**

Based on the foregoing, Defendant respectfully seeks an order for a status conference at the Court's earliest convenience, and for any other relief that the Court deems appropriate.

Dated: January 20, 2023

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